

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER L. HAIGH)	
)	
Plaintiff,)	
)	
v.)	02: 09-cv-1247
)	
DONOVAN FOSTER (Plant Manager),)	
SCOTT BUTTERBAUGH (Safety Manager),)	
and RYAN STIFFEY, (Safety Supervisor),)	
)	
Defendants.)	

MEMORANDUM ORDER

On September 15, 2009, Plaintiff Christopher L. Haigh, a plaintiff proceeding *pro se*, initiated this action by filing a Motion for Leave to Proceed In Forma Pauperis. By Order dated September 16, 2009, the Motion was granted by the Court and the Complaint was filed. In the Complaint, Plaintiff appears to allege state law negligence claims, as well as federal claims under Title VII of the Civil Rights Act of 1964 and the Americans with Disability Act.

By Memorandum Opinion and Order of September 22, 2009, the Court found that there was no diversity of citizenship among the parties and the Court, accordingly, did not have diversity jurisdiction to entertain any state law negligence claim(s) in this matter.

The Court further found that the Complaint was completely devoid of any allegations which could raise a colorable claim under either Title VII or the Americans with Disability Act. However, the Court allowed Plaintiff until October 22, 2009, to file an amended complaint to correct the noted deficiencies with regard to the claims brought under Title VII and the ADA. The Court stated in its Order that “[i]f an amended complaint is not timely filed, this lawsuit will be dismissed for lack of prosecution.”

To date, Plaintiff has failed to file an amended complaint in accordance with the Memorandum Opinion and Order of September 22, 2009. Additionally, Plaintiff has failed to move for an extension of time in which to file his amended complaint, and has failed to otherwise contact the Court to explain his failure to comply with the Order of September 22, 2009.

NOW, THEREFORE, this 26th day of October, 2009, this lawsuit is hereby DISMISSED WITH PREJUDICE for lack of prosecution. The clerk shall mark this case as closed.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Christopher L. Haigh
1731 Evans Ave.
McKeesport, PA 15132

(via U.S. Mail and Certified Mail,
Return Receipt Requested)